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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" was included in the agenda of the fifty-third session of the General Assembly in accordance with Assembly resolution 51/155 of 16 December 1996.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 33rd and 34th meetings, on 17 and 19 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.33 and 34).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/53/287).

II. Consideration of draft resolution A/C.6/53/L.17

5. At the 33rd meeting, on 17 November, the representative of Sweden, on behalf of *Angola, Argentina, Australia, Austria, Belgium, Canada, Chile, Croatia, Denmark, Fiji, Finland, Germany, Greece, Iceland, Ireland, Italy, Netherlands, New Zealand, Norway, Poland, Portugal,* the *Russian Federation, Spain, Sweden, the former Yugoslav Republic*

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of Macedonia and *Ukraine*, subsequently joined by *Cameroon, Slovenia, South Africa* and the *United Kingdom of Great Britain and Northern Ireland*, introduced a draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" (A/C.6/53/L.17).

6. At the 34th meeting, on 19 November, the representative of Sweden orally revised the tenth preambular paragraph of the draft resolution by replacing the words "fundamental standards of humanity" by the words "minimum humanitarian standards".

7. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.17, as orally revised, without a vote (see para. 9).

8. After the adoption of the draft resolution, the representative of Israel made a statement in explanation of position (see A/C.6/53/SR.34).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994 and 51/155 of 16 December 1996,

Having considered the report of the Secretary-General[1] on the status of the Protocols[2] Additional to the Geneva Conventions of 1949[3] and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I, and recalling that the International Fact-Finding Commission may, where necessary, facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol,

Stressing also the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

[1] A/53/287.

[2] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[3] Ibid., vol. 75, Nos. 970–973.

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the two additional Protocols,

Noting that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the recommendation of the Intergovernmental Group of Experts on the Protection of War Victims, including that the depositary of the Geneva Conventions of 1949 should organize periodic meetings of States parties to the Conventions to consider general problems regarding the application of international humanitarian law,

Acknowledging the fact that the Rome Statute of the International Criminal Court, adopted on 17 July 1998,[4] includes the most serious crimes of international concern under international humanitarian law, and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Noting the analytical report of the Secretary-General on minimum humanitarian standards[5] submitted to the Commission on Human Rights at its fifty-fourth session,

Noting also that international humanitarian law has been an important topic during the United Nations Decade of International Law, which will come to a close in 1999, fifty years after the adoption of the Geneva Conventions, and that the importance of this body of law will be highlighted in the context of the celebration in 1999 at The Hague and in St. Petersburg of the centennial of the first International Peace Conference,

1. *Appreciates* the virtually universal acceptance of the Geneva Conventions of 1949,[3] and notes the trend towards a similarly wide acceptance of the two additional Protocols of 1977;[2]

2. *Appeals* to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. *Calls upon* all States parties to the additional Protocols to ensure their wide dissemination and full implementation;

5. *Affirms* the necessity of making the implementation of international humanitarian law more effective;

6. *Welcomes* the activities of the Advisory Service of the International Committee of the Red Cross in supporting efforts undertaken by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

7. *Welcomes also* the holding in January 1998 of the first periodic meeting on the application of international humanitarian law;

8. *Notes* the holding in October 1998 of the Meeting of Experts on General Problems of the Implementation of the Fourth Geneva Convention;

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[4] A/CONF.183/9.

[5] E/CN.4/1998/87 and Add.1.

9. *Requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the status of the additional Protocols, as well as measures taken to strengthen the existing body of international humanitarian law, *inter alia*, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

10. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".